

200.501 Findings of General Assembly.

The Kentucky General Assembly finds that services to children and transition-age youth are provided by various departments and agencies at both the state and local level, often without appropriate policy collaboration and service coordination. The General Assembly declares that the purpose of KRS 200.501 to 200.509 is to establish a structure for coordinated policy development, comprehensive planning, and collaborative budgeting for services and supports to children and transition-age youth with or at risk of developing behavioral health needs and their families. It is further the intention of the General Assembly to build on the existing resources and to design and implement a system of care for children and transition-age youth with or at risk of developing behavioral health needs that is community-based, family- and youth-driven, and culturally and linguistically competent. Children and transition-age youth who meet criteria for a serious emotional disability, including a co-occurring substance use disorder, and who are placed outside their homes to address unmet behavioral health needs shall be given priority for services and supports pursuant to KRS 200.501 to 200.509.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 120, sec. 1, effective July 14, 2018. -- Amended 1992 Ky. Acts ch. 24, sec. 1, effective July 14, 1992. -- Created 1990 Ky. Acts ch. 266, sec. 1, effective July 13, 1990.

200.503 Definitions for KRS 200.501 to 200.509.

As used in KRS 200.501 to 200.509, unless the context otherwise requires:

- (1) "Child with a behavioral health need" means a child or transition-age youth with, or at risk of developing, an emotional disability, substance use disorder, or mental, emotional, or behavioral needs;
- (2) "Child with an emotional disability" means a child or transition-age youth with a clinically significant disorder of thought, mood, perception, orientation, memory, or behavior that is listed in the current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders and seriously limits a child's capacity to function in the home, school, or community;
- (3) "Child with a serious emotional disability" means a child or transition-age youth with a clinically significant disorder of thought, mood, perception, orientation, memory, or behavior that is listed in the current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders and that:
 - (a) Presents substantial limitations that have persisted for at least one (1) year or are judged by a mental health professional to be at high risk of continuing for one (1) year without professional intervention in at least two (2) of the following five (5) areas: "Self-care," defined as the ability to provide, sustain, and protect his or herself at a level appropriate to his or her age; "Interpersonal relationships," defined as the ability to build and maintain satisfactory relationships with peers and adults; "Family life," defined as the capacity to live in a family or family type environment; "Self-direction," defined as the child's ability to control his or her behavior and to make decisions in a manner appropriate to his or her age; and "Education," defined as the ability to learn social and intellectual skills from teachers in available educational settings;
 - (b) Is a Kentucky resident and is receiving residential treatment for emotional disability through the interstate compact;
 - (c) The Department for Community Based Services has removed the child from the child's home and has been unable to maintain the child in a stable setting due to behavioral health needs; or
 - (d) Is a person under twenty-one (21) years of age meeting the criteria of paragraph (a) of this subsection and who was receiving services prior to age eighteen (18) that must be continued for therapeutic benefit;
- (4) "Least restrictive alternative mode of treatment" means treatment given in the least confining setting which will provide a child or transition-age youth with an emotional disability or serious emotional disability appropriate treatment or care consistent with accepted professional practice. For purposes of this section, least restrictive alternative mode of treatment may include an institutional placement;
- (5) "System of care" means a spectrum of effective, community-based services and supports for children and transition-age youth with or at risk of developing behavioral health needs and their families, that is organized into a coordinated network, builds meaningful partnerships with families and youth, and addresses their cultural and linguistic needs, in order to help them to function better at home,

in school, in the community, and throughout life; and

- (6) "Transition-age youth" means individuals between the ages of sixteen (16) and twenty-five (25).

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 120, sec. 2, effective July 14, 2018. -- Amended 2014 Ky. Acts ch. 132, sec. 17, effective July 15, 2014. -- Amended 2000 Ky. Acts ch. 14, sec. 26, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 303, sec. 1, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 24, sec. 2, effective July 14, 1992. --Created 1990 Ky. Acts ch. 266, sec. 2, effective July 13, 1990.

200.505 State Interagency Council for Services and Supports to Children and Transition-Age Youth.

There is hereby created a State Interagency Council for Services and Supports to Children and Transition-Age Youth. The chairperson of the council shall be designated by the Governor and shall establish procedures for the council's internal procedures.

(1) This council shall be composed of the following:

- (a) Members who shall serve by virtue of their positions: the commissioner of the Department of Education, the commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, the commissioner of the Department for Community Based Services, the commissioner of the Department for Public Health, the commissioner of the Department for Medicaid Services, the commissioner of the Department of Juvenile Justice, the director of the Division of Family Resource and Youth Services Centers, the executive director of the Office for Children with Special Health Care Needs, the executive officer of the Department of Family and Juvenile Services of the Administrative Office of the Courts, the chair of the Subcommittee for Equity and Justice for all Youth of the Juvenile Justice Advisory Board, the executive director of the Kentucky Housing Corporation, the executive director of the Kentucky Office of Vocational Rehabilitation, and the president of the Council on Postsecondary Education, or their designees;
- (b) The chairperson of the council shall appoint one (1) parent of a child or transition-age youth with a behavioral health need, who is a consumer of services and supports within the system of care to serve as a member of the council, and one (1) parent who meets the same criteria to serve as the parent member's alternate to serve in the absence of the parent member. For each appointment to be made, the State Interagency Council for Services and Supports to Children and Transition-Age Youth shall vote on nominations submitted by members. The nominee receiving the most votes shall be appointed. Appointees shall serve a term of two (2) years and may be reappointed to additional two (2) year terms. If the child of the parent member or alternate parent member ceases to be a consumer of services and supports within the system of care during the term of appointment, the member shall be eligible to serve out the remainder of the term of appointment. The alternate parent member may attend and participate in all council meetings but shall vote only in the absence of the parent member. The parent member and alternate parent member shall receive no compensation in addition to that which they may already receive as service providers or state employees who are required to attend as part of their duties, but the parent member and alternate parent member shall be reimbursed for expenses incurred through the performance of their duties as council members if it is outside the scope of their job duties;
- (c) The chairperson of the council shall appoint one (1) youth between the ages of sixteen (16) and twenty-five (25), who has a behavioral health disorder and

who is receiving or has received services to address mental health, substance use, or co-occurring mental health and substance use disorder, to serve as a member of the council, and one (1) youth who meets the same criteria to serve as the youth member's alternate in the absence of the youth member. For each appointment to be made, the State Interagency Council for Services and Supports to Children and Transition-Age Youth shall vote on nominations submitted by members. The nominee receiving the most votes shall be appointed. Appointees shall serve a term of two (2) years and may be reappointed to additional two (2) year terms, and the youth member and the youth member's alternate shall be eligible to serve out the remainder of their term of appointment regardless of age. The alternate youth member may attend and participate in all council meetings but shall vote only in the absence of the youth member. The youth member and alternate youth member shall receive no compensation in addition to that which they may already receive as service providers or state employees who are required to attend as part of their duties, but the youth member and alternate youth member shall be reimbursed for expenses incurred through the performance of their duties as council members if it is outside the scope of their job duties;

- (d) The chairperson of the council shall appoint one (1) member of a nonprofit family organization representing consumers of services and supports within the system of care whose membership, leadership, and governance include parents, primary caregivers, or children or transition-age youth with serious emotional, behavioral, or mental health needs, to serve as a member of the council. For each appointment to be made, the chair shall publicly post on the State Interagency Council for Services and Supports to Children and Transition-Age Youth Web site a solicitation for letters of interest from qualified organizations and submit all qualified responses to a vote of the full membership. The organization which receives the most votes shall designate a representative to serve a term of two (2) years, and may be reappointed to additional two (2) year terms. The family organization member shall receive no compensation in addition to that which the member may already receive as an employee who is required to attend as part of his or her duties, but shall be reimbursed for expenses incurred through the performance of duties as a council member if it is outside the scope of his or her job duties; and
 - (e) At the end of a term, a member shall continue to serve until a successor is appointed.
- (2) The State Interagency Council for Services and Supports to Children and Transition-Age Youth shall:
- (a) Make recommendations annually to the Governor and the Legislative Research Commission regarding the system of care for children and transition-age youth with or at risk of behavioral health needs;
 - (b) Direct each regional interagency council to:
 - 1. Operate as the regional locus of accountability for the system of care; and

2. Participate in family accountability, intervention, and response teams established pursuant to KRS 605.035;
 - (c) Assess the effectiveness of regional councils in serving as the locus of accountability for the system of care for children and transition-age youth with or at risk of behavioral health needs;
 - (d) Meet at least monthly and maintain records of meetings; and
 - (e) Develop a comprehensive array of services and supports to meet the needs of children and transition-age youth with or at risk of developing behavioral health needs.
- (3) Agencies represented on the state council shall adopt interagency agreements as necessary to advance the system of care.
 - (4) The State Interagency Council for Services and Supports to Children and Transition-Age Youth may promulgate administrative regulations necessary to comply with the requirements of KRS 200.501 to 200.509.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 120, sec. 3, effective July 14, 2018. -- Amended 2014 Ky. Acts ch. 132, sec. 18, effective July 15, 2014. -- Amended 2012 Ky. Acts ch. 146, sec. 29, effective July 12, 2012; and ch. 158, sec. 22, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 99, sec. 202, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 119, sec. 1, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 14, sec. 27, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 426, sec. 166, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 303, sec. 2, effective July 15, 1996; and ch. 318, sec. 94, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 384, sec. 2, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 24, sec. 3, effective July 14, 1992. -- Created 1990 Ky. Acts ch. 266, sec. 3, effective July 13, 1990.

Legislative Research Commission Note (7/14/2018). Under the authority of KRS 7.136(2), one or more references to the "Commission for Children with Special Health Care Needs" in this statute have been changed in codification to the "Office for Children with Special Health Care Needs" to reflect the renaming of the commission by the General Assembly in 2018 Ky. Acts ch. 114.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.

200.507 Reimbursement of expenses.

No member of the State Interagency Council shall receive compensation other than that received as a state employee, except that the parent and youth members, alternate parent and youth members, and family organization members shall be reimbursed for all expenses incurred through the performance of their duties as council members.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 120, sec. 4, effective July 14, 2018. -- Amended 2005 Ky. Acts ch. 99, sec. 203, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 167, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 24, sec. 4, effective July 14, 1992. -- Created 1990 Ky. Acts ch. 266, sec. 4, effective July 13, 1990.

200.508 Rights of children and transition-age youth with a serious emotional disability and their parents, custodians, or guardians.

A child or transition-age youth with a serious emotional disability and the parent, person exercising custodial control or supervision, or guardian of that individual shall have the same rights as anyone receiving behavioral health services through a provider, and:

- (1) Be adequately informed as to priorities, philosophy, and policies of the regional interagency council;
- (2) Be informed in advance of scheduled regional or local interagency council meetings;
- (3) Be informed of behavioral health services and supports available to children and transition-age youth within their community; and
- (4) Consult with existing advocacy groups for consultation and representation.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 120, sec. 5, effective July 14, 2018. -- Created 1992 Ky. Acts ch. 24, sec. 6, effective July 14, 1992.

200.509 Regional interagency councils for the system of care in each area development district.

- (1) There are hereby created regional interagency councils for the system of care. These councils shall be formed in each area development district within the Commonwealth of Kentucky, except that those area development districts that contain a county with a population greater than one hundred thousand (100,000) may form up to three (3) such councils. The regional interagency councils shall be chaired by one (1) member, chosen by a majority vote of the members. Each council shall be composed of the following members:
 - (a) The children's services director from each regional community mental health center or their designee;
 - (b) One (1) court-designated specialist or court-designated worker chosen by the executive officer of the Department of Family and Juvenile Services of the Administrative Office of the Courts;
 - (c) One (1) special education cooperative representative with behavioral health experience chosen by the directors of cooperatives in the area served by the regional council;
 - (d) One (1) parent of a child with a behavioral health need, who is or has been a consumer of system of care services and supports, and one (1) parent who meets the same criteria to serve as the parent member's alternate, who may attend and participate in all council meetings, but shall vote only in the absence of the parent member. For each appointment to be made, the regional interagency council for which the appointment is to be made shall submit to the chair of the State Interagency Council for Services and Supports to Children and Transition-Age Youth a list of two (2) names of parents who are qualified for appointment from which list the chair of the State Interagency Council for Services and Supports to Children and Transition-Age Youth shall make the appointment. Appointees shall serve a term of two (2) years, and may be reappointed to additional two (2) year terms. If the child of the parent member or alternate parent member ceases to be a consumer of system of care services and supports during the term of appointment, the member shall be eligible to serve out the remainder of the term of appointment;
 - (e) One (1) transition-age youth who has a behavioral health disorder and who is receiving or has received a service to address mental health, substance use, or co-occurring mental health and substance use disorder, and one (1) transition-age youth who meets the same criteria to serve as the youth member's alternate in the absence of the youth member. For each appointment to be made, the regional interagency council for which the appointment is to be made shall submit to the chair of the State Interagency Council for Services and Supports to Children and Transition-Age Youth a list of two (2) names of transition-age youth who are qualified for appointment from which list the chair of the State Interagency Council for Services and Supports to Children and Transition-Age Youth shall make the appointment. Appointees shall serve a term of two (2) years, and may be reappointed to additional two (2) year

- terms. If the youth member or alternate youth member ceases to be a consumer of system of care services and supports during the term of appointment, the member shall be eligible to serve out the remainder of the term of appointment;
- (f) Any other local public or private agency that provides services and supports to children and transition-age youth with behavioral health needs which the regional interagency council may invite to have a representative become a permanent or temporary member of the council; and
 - (g) One (1) representative from each of the Department of Juvenile Justice, family resource and youth services centers, the Kentucky Office of Vocational Rehabilitation, the Department for Community Based Services, and local health departments.
- (2) No member of a regional interagency council for the system of care shall be given compensation in addition to that which they already receive as service providers or state employees, except that the parent and youth members and alternate parent and youth members of regional interagency councils shall be reimbursed by the regional interagency council's contracted fiscal agent for all expenses incurred through the performance of their duties as council members if it is outside the scope of their job duties.
 - (3) Each regional interagency council for the system of care shall perform the following functions:
 - (a) Conduct regional system of care planning and operations;
 - (b) Coordinate system-level continuous quality improvement;
 - (c) Identify and develop system of care expansion opportunities;
 - (d) Promote awareness of the system of care;
 - (e) Initiate and adopt interagency agreements as necessary for providing services and supports to children and transition-age youth with or at risk of behavioral health needs by the agencies represented in the regional council;
 - (f) Advise the state interagency council regarding the system of care within the region; and
 - (g) Participate in family accountability, intervention, and response teams established pursuant to KRS 605.035.
 - (4) The secretary for health and family services and the designee of the State Department of Education shall ensure that regional interagency councils for the system of care are formed.
 - (5) Local interagency councils for the system of care may be formed at the discretion of a regional interagency council to advance the functions of the regional interagency council at the city, county, or other local community level.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 120, sec. 6, effective July 14, 2018. -- Amended 2014 Ky. Acts ch. 132, sec. 19, effective July 1, 2015. -- Amended 2005 Ky. Acts ch. 99, sec. 204, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 14, sec. 28, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 426, sec. 168, effective July

15, 1998. -- Amended 1996 Ky. Acts ch. 303, sec. 3, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 24, sec. 5, effective July 14, 1992. -- Created 1990 Ky. Acts ch. 266, sec. 5, effective July 13, 1990.